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TROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL (Fees are subject to annual revision)	Application Number	10/645,328-Conf. #7569
	Filing Date	August 21, 2003
	First Named Inventor	Rodolfo R. Llinas
ompleted form to:	Art Unit	3736
sioner for Patents : 1450 ia, VA 22313-1450	Examiner Name	N. Natnithithadha
	Attorney Docket Number	05986/100K521-US1

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June Q. And	October 31, 2005  Date
signature/	Date
Pierre R. Yanney	35,418
Typed or printed name	Registration No., if applicable



RCE

No. (if known): 10/645,328

Attorney Docket No.: 05986/100K521-US1

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Docket No.: 05986/100K521-US1

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Rodolfo R. Llinas

Application No.: 10/645,328

Filed: August 21, 2003

Art Unit: 3736

For: BRAIN- MACHINE INTERFACE SYSTEMS

AND METHODS

Examiner: N. Natnithithadha

Confirmation No.: 7569

## **INTERVIEW SUMMARY RECORD**

MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

On October 18, 2005, the undersigned held a telephonic interview with Examiner Natnithithadha with respect to the above-identified patent application. Applicant appreciatively acknowledges all the courtesy and effort extended to his attorney, Pierre Yanney, during the Interview.

The restriction requirement with respect to claims 37 and 38 was discussed. The Examiner affirmed that claims 37 and 38 are restricted because a method and apparatus for sensing the activity of neural tissue is distinct from a method and apparatus for sensing muscle tissue. The

Examiner stated that a separate search would be required for a method and apparatus for sensing muscle tissue.

Cited references, U.S. Patent No. 5,515,848 to Corbett, III et al., U.S. Patent No. 5,201,903 to Corbett, III et al., and U.S. Patent No. 5,883,603 to Kovacs were discussed in reference to claim 1. Applicant's attorney submitted that none of cited references disclosed an electrode being of sufficiently small size such that it is capable of being inserted into a capillary. The Examiner noted the distinction but stated that this feature as recited in the claims was not clear enough to distinguish the invention over the prior art. It was proposed to amend the claims to recite an electrode having a dimension smaller than 10 µm. The Examiner stated that this distinction would be considered favorably.

Dated: October 31, 2005

Respectfully submitted,

Pierre R. Yanney

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